

MICHAEL G. RHODES (116127) (mrhodes@cooley.com)
MATTHEW D. BROWN (196972) (brownmd@cooley.com)
JEFFREY M. GUTKIN (216083) (gutkinjm@cooley.com)
COOLEY LLP
101 California Street, 5th Floor
San Francisco, CA 94111-5800
Telephone: (415) 693-2000
Facsimile: (415) 693-2222

S. ASHLIE BERINGER (263977)
(ABeringer@gibsondunn.com)
GIBSON DUNN & CRUTCHER LLP
1881 Page Mill Road
Palo Alto, CA 94304-1211
Telephone: (650) 849-5219
Facsimile: (650) 849-5333

Attorneys for Defendant FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANGEL FRALEY; PAUL WANG; SUSAN
MAINZER; JAMES H. DUVAL, a minor, by
and through JAMES DUVAL, as Guardian ad
Litem; and W.T., a minor, by and through
RUSSELL TAIT, as guardian ad Litem;
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

FACEBOOK, INC, a corporation; and DOES
1-100,

Defendants.

Case No. 11-CV-01726 LHK (PSG)

**DECLARATION OF CHRISTOPHER
PLAMBECK IN SUPPORT OF FACEBOOK,
INC.'S OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

Date: May 24, 2012
Time: 1:30 p.m.
Courtroom: 4
Judge: Hon. Lucy H. Koh
Trial date: December 3, 2012

**[PUBLIC REDACTED
VERSION]**

1 I, Christopher Plambeck, hereby declare as follows:

2 1. I am employed as Director, Monetization Analytics, for Defendant Facebook, Inc.
3 (“Facebook”). I have been employed by Facebook for more than two years. In my current role, I
4 manage a team responsible for supporting various business functions, including partnering with
5 product and engineering teams to provide data insights about Facebook’s business strategy and
6 products. Based on my overall experience working for Facebook, I also have general knowledge
7 of the functioning and layout of the Facebook website, certain of the data that Facebook
8 maintains, and Facebook’s marketing products, including Sponsored Stories. I have personal
9 knowledge of the facts set forth herein, and, if called as a witness, I could and would competently
10 testify thereto.

11 2. Facebook logs and maintains certain data in order to operate and analyze the
12 functioning and performance of the Facebook website. Much of this data is generated by
13 Facebook’s 845 million users (“Users”), who upload and share content—status updates, profiles,
14 photographs, videos, comments, messages, and more—all of which Facebook stores for the use of
15 its Users. Facebook’s Users currently generate an average of 2.7 billion “Likes” and comments
16 each day, and Facebook currently stores more than 100 petabytes (100,000 terabytes or 100
17 quadrillion bytes) of photos and videos.

18 3. The statements that follow are based on my review of the data that Facebook
19 maintains in the ordinary course of its business, and, in some instances, the queries performed of
20 that data.

21 **Name, Profile Picture, and Birthdate Changes**

22 4. Facebook requires Users to enter their name in their basic profile information.
23 Facebook also requires Users to submit their birthdates, although such birthdates do not need to
24 be shared publicly. Facebook also gives Users the ability to upload and select profile pictures,
25 which Users may change at any time. A Profile picture is not required to be an actual image of
26 the User, and some Users do not use photos of themselves as their profile pictures.

27 5. To the best of my knowledge, Facebook has no practical ability to verify whether
28 (i) each User has supplied his or her legal name, or a derivative thereof, or whether the provided

1 name otherwise bears any relation to the User's actual name; (ii) each User's reported birthdate is
 2 the User's real birthdate; or (iii) each User's profile picture contains his or her likeness.

3 6. Facebook's records indicate that [REDACTED] Users who Facebook can
 4 reasonably ascertain were located in the United States on December 31, 2011, changed their
 5 Facebook usernames at least once between January 1, 2011 and December 31, 2011.

6 7. Facebook's records indicate that more than [REDACTED] who Facebook can
 7 reasonably ascertain were located in the United States on December 31, 2011, changed their
 8 birthdates (and thus their ages) at least once between January 1, 2011 and December 31, 2011.

9 8. Facebook's records indicate that more than [REDACTED] who Facebook can
 10 reasonably ascertain were located in the United States on December 31, 2011, changed their
 11 profile pictures at least once between January 1, 2011 and December 31, 2011.

12 9. Facebook's records indicate that, as of January 25, 2011, there were approximately
 13 145.5 million Users who Facebook can reasonably ascertain were located in the United States. Of
 14 these Users, approximately [REDACTED] appeared to be under the age of 18, based on User-
 15 supplied birthdates.

16 **Impression and Click Data**

17 10. I am aware that Facebook has exported data that shows [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED] I am advised that this exported data (with appropriate redactions to anonymize
 21 other Users' identities) was produced in the litigation with Bates number FB_FRA_1024.

22 11. I am aware that Facebook also has exported data from November and December
 23 2011 that shows [REDACTED]
 24 [REDACTED]
 25 [REDACTED]
 26 [REDACTED] [REDACTED] (with appropriate redactions to
 27 anonymize other Users' identities) appears in files titled [REDACTED] and
 28

1 [REDACTED] and the [REDACTED] [REDACTED] [REDACTED] appears in files titled

2 [REDACTED]

3 12. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 13. [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 14. [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 **Revenue and eCPM Data**

20 15. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 16. [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[REDACTED]

17. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

User Visits to Terms and Help Center Pages

18. Based on sampled data, Facebook's [REDACTED]

[REDACTED] who Facebook can reasonably ascertain were located in the United States visited the webpage with Facebook's terms, located at <http://www.facebook.com/legal/terms>, between [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. Facebook's records indicate that, between [REDACTED]

the following number of Users who Facebook can reasonably ascertain were located in the United States visited the specified pages in the Facebook Help Center: [REDACTED] visited the "Interacting with Ads and Sponsored Stories" webpage, located at <https://www.facebook.com/help/?page=226611954016283>; and [REDACTED] visited the "Sponsored Stories" webpage, located at <https://www.facebook.com/help/?page=213208552035450>.

20. Facebook's records indicate that, [REDACTED]

[REDACTED]

[REDACTED] in response to the question of whether the information on the "Interacting with

1 Ads and Sponsored Stories” webpage, located at
 2 <https://www.facebook.com/help/?page=226611954016283>, was helpful; and (ii) approximately
 3 [REDACTED] in response
 4 to the question of whether the information on the “Sponsored Stories” webpage, located at
 5 <https://www.facebook.com/help/?page=213208552035450>, was helpful.

6 **Friend Data**

7 21. Facebook allows—but does not require—Users to indicate if they are related to
 8 other Facebook Users. [REDACTED]

9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED] To the best of my knowledge, Facebook has no practical
 12 method of verifying whether the indicated parent-child relationship is accurate.

13 **Page “Like” and “Unlike” Data**

14 22. Through privacy settings, Facebook allows Users to specify whether certain
 15 categories of their Facebook Page Likes will be shown publicly, only to their Friends, to a custom
 16 group of Friends, or to “Only Me.” The “Only Me” setting means that a User’s Page Likes are
 17 visible only to the User him/herself.

18 23. [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]

22 24. [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]
 26 [REDACTED]
 27 [REDACTED]
 28 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

25. [REDACTED]

26. [REDACTED]

27. Facebook’s records indicate that, every day, [REDACTED] who Facebook can reasonably ascertain were located in the United States click the “Like” button in Sponsored Stories. These records also indicates that, every day, [REDACTED] after clicking through to the Page identified in a Sponsored Story or within 7 days of seeing a Sponsored Story for such a Page.

28. [REDACTED]

29. [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[REDACTED]

[REDACTED] Ads

30. [REDACTED]

[REDACTED]

31. Facebook provides a setting for Users to “opt out” of having their social actions paired with advertisements (social ads). [REDACTED]

[REDACTED]

32. [REDACTED]

[REDACTED]

Certain Data about Named Plaintiffs and Putative Class Members

33. [REDACTED]

[REDACTED]

34. [REDACTED]

[REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Additional Data Exports

35. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

36. [REDACTED]

[REDACTED]

[REDACTED]

37. [REDACTED]

[REDACTED]

[REDACTED]

38. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

39. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 40. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 41. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on April 19, 2012 at Menlo Park, California.

11

12 /s/ Christopher Plambeck

13 Christopher Plambeck

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

GENERAL ORDER 45 ATTESTATION

In accordance with General Order 45, concurrence in the filing of this document has been obtained from the signatory and I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party.

Dated: April 19, 2012

COOLEY LLP

/s/ Michael G. Rhodes

Michael G. Rhodes
Attorneys for Plaintiff

1265698 /SF